

**MINUTES OF THE
PRIVATE PROTECTIVE SERVICES BOARD MEETING
DECEMBER 9, 2010
HOLIDAY INN RALEIGH NORTH
2805 HIGHWOODS BLVD.
RALEIGH, NC 27604**

BOARD MEMBER PRESENT

Richard Allen
Brenda Bishop
James Stevens
David Pendry
Bill Booth
Eric Jones
Sally Pleasant
Mack Donaldson
Robert M. Clark
Steve Johnson
Sheriff Ashe

BOARD MEMBERS ABSENT

Judge Burris
Sheriff Jenkins

STAFF PRESENT

Terry Wright – Director
Anthony Bonapart - Deputy Director
Charles McDarris – Attorney
Judy Pittman - Training Officer
Joyce McClure - Board Secretary

GUEST PRESENT

Andrew Ives	Frank Santiago	Jeff Kiker
Jeff Cathcart	Joshua Jacobs	Larry Flannery
David Ardnt	Bill Dover	Gary Pastor
Audra Coleman	Randall Rabenold	Willie Rorie
Ruby Rorie	Scott Pastor	Stephen Bill
Kenya Solomon	Michael Cundiff	Rebecca Lem
Lucius McMillon	Rory James	Leroy Everhart

Michael Cheek
Alice Perry
Tiffany Solomon

Dorian Dehnel
Bill Johnson
McCoy Faulkner

Larry Amaker
Karen Johnson
Don Williams

Chairman Richard Allen called the December 9, 2010 Private Protective Services Board meeting to order at 9:30 AM.. Mr. Allen welcomed all guests and requested they be sure to sign in on all three of the sign in sheets, turn off cell phones and introduce themselves.

Attorney Charles McDarris explained the State Ethics Act, which addresses the ethics of public officials. This Act states specifically that if any Board Member has any conflict of interest, potential conflict of interest, or the appearance of a conflict, he or she should remove themselves from deliberation and vote on that matter and so state on the record.

Chairman Allen reminded the Board to sign up and take the Ethics training that is required every two years.

GOOD OF THE ORDER:

Mr. Larry Flannery, President of NCAPI, related to the Board that NCAPI is continuously working on courses for the Continuing Education Classes. He also stated that this will be his last meeting as the President of NCAPI as they are having their conference January 28th and 29th and will have elections for the new officers and Board for NCAPI. He also stated that all are welcome to attend since the president of NCISS will be there to update everyone on the new legislative issues that will be pertinent to the industry. Mr. Flannery wished everyone a Merry Christmas and a Happy New Year from NCAPI and himself personally.

APPROVAL OF THE OCTOBER 21, 2010 MEETING MINUTES:

**MOTION BY MR. STEVENS TO ACCEPT THE MINUTES AS PRESENTED;
SECONDED BY MR. BOOTH; MOTION CARRIED.**

SCREENING COMMITTEE REPORT:

Mrs. Bishop reported that the Screening Committee met on Wednesday December 8, 2010 from 2:00 PM until 6:10 PM to review a total of 40 applications with 1 Denial and 1 Deferral; the remainder of the applications were approved (see report). Committee members were, Mrs. Bishop, Mrs. Pleasant, Steve Johnson, Sheriff Ashe, Monty Clark and Mr. Pendry. Mrs. Bishop read the report for the record. It was noted that Mr. Donaldson recused himself on # 3 Amanda Bouleris, Mr. Stevens recused himself on # 4 Jerry Callicutt, Mr. Johnson recused himself on # 34 Franklin Strickland and Mrs. Pleasant recused herself on # 26 Laura Moorehead.

Mrs. Bishop presented the following registration report for the period of October 18, 2010 through December 7, 2010. Total registrations 3022; armed totals were 512 of which 163 were new, 329 were renewal, 2 duplicate and 18 reissue/dual. There were 5 renewals Private Investigators and 1 renewal Private Investigator Associate. Unarmed totals were 2504 which include 939 new, 1359 renewals, 182 transfer, 6 duplicates and 18 reissues/dual. Total denials 343 of which 67 were for cause and 276 for correctable. There were 288 applications approved which were previously denied for a total of 631 denials reviewed.

MOTION BY MR. BOOTH TO ACCEPT THE SCREENING REPORT AND THE REGISTRATION REPORT; SECONDED BY MR. JOHNSON; MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT:

Mr. Stevens reported the committee met on Wednesday December 8, 2010 from 8:00 AM until 10:15 AM. and heard a total of eight cases. The committee members were Mr. Stevens, Mr. Booth, Eric Jones and Mr. Donaldson. Mr. Stevens presented the attached report. (See attachment)

Mr. Donaldson recused himself on case 2010-PPS-034 against Mark Harvey.

MOTION BY MRS. PLEASANT TO ACCEPT THE GRIEVANCE COMMITTEE REPORT; SECONDED BY MR. BOOTH; MOTION CARRIED.

TRAINING & EDUCATION COMMITTEE:

Mr. Stevens advised the Training & Education Committee met on Thursday December 9, 2010 from 8:30AM. until 9:20 AM. The committee members were Mr. Stevens, Mr. Clark, Mr. Booth, Mr. Allen, Mr. Johnson, Sheriff Ashe and Mrs. Pleasant.

Mrs. Pittman read the course schedule. The following trainer courses are scheduled:

February 7-11, 2011	UGT Course Workshop	WTCC
February 28, 2011	Firearms Trainer Re-Certification course	NCJA
April 4-8, 2011	Firearms Trainer Certification Course	NCJA
May 2- 6, 2011	UGT Course Workshop	WTCC
June 13, 2011	Firearms Trainer Re-Certification course	NCJA

The following PPS trainer courses have been completed :

November 8-12, 2010	UGT Course Workshop	WTCC
November 16, 2010	Firearms Trainer Re-Certification course	NCJA

Presently we have 355 unarmed guard trainers and 107 armed guard trainers.

Mr. Stevens stated that an issue had come up regarding the language for the sequence of Armed Certification in the Training Manual. Mr. Johnson recommended that the following language be inserted under number 11 in the Training Manual:

“As it concerns yearly requalification for the Armed recertification class, the PPSB would prefer all classroom topics be taught prior to any live fire exercises or qualification. However, it is a requirement that the certified trainer present, at a minimum, the blocks concerning Safety and Marksmanship before any live fire is conducted.”

MOTION BY SHERIFF ASHE TO ACCEPT THE CHANGE; SECONDED BY MR. JOHNSON; MOTION CARRIED.

The Training and Education Committee approved a total of 24 Continuing Education Courses. The following courses were submitted by the Committee: “Introduction to Surveillance Operations”, “Auto Theft 101”, “Workers Compensation Fraud”, “Use of Surveillance in an Insurance Investigation”, “Subrogation & the Investigation”, “Staged Automobile Accidents”, “Understanding your Client’s Objectives”, “Transient Criminal Activity in Insurance”, “Transient Criminal Activity in Insurance”, “Premium & Application Fraud for W/C & Auto”, “Recorded Statements”, “Pretext & Privacy”, “The Neighborhood Investigation”, “Mold: A Growing Concern”, “Life & Disability”, “Insurance Overview”, “Homeland Security & Terrorism”, “Introduction to Insurance Fraud”, “Healthcare Fraud Ethics for Private Investigations”, “Catastrophes & Fraud”, “Auto Body & Repair Shop Fraud”, “Workers Compensation Premium Fraud”, “Concepts of Product Liability”, “Introduction to Elicitation”, “Advanced Theories & Use of Covert Video Surveillance Equipment”. There is one course that is still pending.

MOTION BY MR. BOOTH TO APPROVE THE COURSES; SECONDED BY MRS. PLEASANT; MOTION CARRIED.

Mr. Stevens recommended approving the application from Ruth Reynolds for the SCALI conference.

MOTION BY MR. BOOTH TO APPROVE; SECONDED BY SHERIFF ASHE; MOTION CARRIED.

Mr. Stevens wanted to clarify the amount of hours that will be granted for the following classes, if it is a degree granting institution, the allowable hours will be for 8 hours and if it is an online class, the allowable hours will be 6 hours.

Mr. Booth reviewed the recommendation from the Training and Education Committee, that the Board sponsor, for next year, four classes to be given in four different parts of the state. They recommended that the classes be presented by Staff to cover the Registration process and an overview

of 74C for four credit hours and at no cost to the attending licensees. Staff is to provide the Board with the suggested curriculum and upon approval the classes will be offered for no cost to the participants, with all expenses incurred by Staff to present the classes to be funded by the Education Fund.

MOTION BY MR. BOOTH TO ACCEPT THE RECOMMENDATION BY THE TRAINING AND EDUCATION COMMITTEE; SECONDED BY MR. JOHNSON

Sheriff Ashe recommended to the Board that the motion be amended to state that as funds are available, the four training class for continuing education will continue to be made available to industry members in the coming years.

MOTION BY MR. BOOTH TO AMEND THE ORIGINAL MOTION AND INCLUDE THE CONTINUING YEARS; SECONDED BY MR. JOHNSON; MOTION CARRIED.

GRIEVANCE COMMITTEE REPORT - NONE

SCREENING COMMITTEE REPORT -

Mr. Bonapart reviewed three requests that had been presented to the Screening Committee. The first request was from a gentleman that wants to establish a Drug Sniffing Dog Company and wanted to know if he needed to be licensed. It was recommended that he appear before the Screening Committee to review his request.

The second request was from an arson investigator that inquired whether or not a person doing clean up at a fire would be required to be licensed. It was recommended that he also present his request before the Screening Committee.

The last request came from a person wanting to know if his hours as an Auxillary Police Officer could be used for a license. It was determined that it would be the same requirements as any other applicant with the stipulation that he give up his sworn status.

Chairman Allen noted that a letter was received regarding training and the person had been through BLET training and was inquiring if the PPS training could be more like the BLET training.

74C RE-WRITE COMMITTEE - NONE

FINANCE COMMITTEE: NONE

OUT OF STATE CRIMINAL RECORD CHECKS : NONE

OLD BUSINESS

Mr. Dorian Dehnel of CriminalRecordCheck.com gave an overview of the out of state criminal record checks that spanned the period of September 1, 2010 to the present. They are dealing with approximately 14 applications per day, the requests up to December were totaling approximately 978, and they are anticipating it to rise after the first of the year.

The price sheet has been updated and there has been an increase of \$2.50 for the North Carolina in-state background checks due to a new process that AOC has instituted. They are no longer providing automatic case information. To access that, the cost is 23 cents per page or you must go to the individual court houses.

Criminal Record Checks launched their Corporate Solution site for companies to access submission for their applicants which can eliminate the one on one application. This took effect on November 23, 2010 and they currently have twelve corporate accounts. The turnaround time is approximately one to two days.

Criminal Record Check has the nationwide capability per the RFP to go to specific states repositories to access the data. Some states do not have a repository that is readily available and they then go to the specific counties.

The federal access is by name only and access to a federal court system.

There are no fees for becoming a Corporate user, just a payment verification plan. It was established to make it more for convenient for the corporate entity to enter the individual and they in turn receive the results.

NEW BUSINESS:

The Staff is researching having the meeting in Asheville for the June Board meeting.

MOTION BY MR. STEVENS TO PURSUE; SECONDED BY SHERIFF ASHE; MOTION CARRIED.

FINAL AGENCY DECISIONS -

Attorney Charles McDarris removed himself as counsel to the Board to present the following cases.

The Board received the official record for each of the following cases:

James O'Neil Shannon 10-DOJ-4286 Mr. Shannon was present. This case reviewed the denial of the petitioner's application for an unarmed registration for lack of good moral character and temperate habits based on a conviction for False Entry In and Willful Concealment of Books and Records.

Administrative Law Judge Donald Overby proposed that the Board approve the Petitioner's application for an unarmed registration permit, but that Petitioner be placed on active suspension for sixty days as well as placed under probationary status for a three year period.

**MOTION BY MR. CLARK TO GRANT HIS UNARMED REGISTRATION PERMIT;
SECONDED BY MR. PENDRY**

Mr. Donaldson recused himself; the vote was 3 in favor and 6 opposed, **THE MOTION DIED.**

MOTION BY MR. STEVENS TO UPHOLD THE BOARD'S ORIGINAL DECISION TO DENY DUE TO FALSIFICATION OF THE APPLICATION; SECONDED BY SHERIFF ASHE;

The vote was 6 approved; 3 opposed, **THE MOTION CARRIED.**

Willie T. Rorie 10-DOJ-5461 Mr. Rorie was present. This case reviewed the denial of the Petitioner's application for an unarmed registration for demonstrating intemperate habits or a lack of good moral character.

Administrative Law Judge Beecher Gray proposed that the Board reverse the initial decision to deny the Petitioner's application for unarmed security guard registration and issue an unarmed security guard registration to Petitioner.

MOTION BY MR. DONALDSON TO ISSUE MR. RORIE AN UNARMED REGISTRATION PERMIT AS A RENEWAL; SECONDED BY MR. CLARK; MOTION CARRIED.

Jayson Rodriguez 10-DOJ-5614 Mr. Rodriguez was present. This case reviewed the denial of the Petitioner's application for unarmed registration for lack of good moral character.

Administrative Law Judge Beecher Gray proposed that the Board reverse its initial decision to deny the application for unarmed security guard registration and issue an unarmed security guard registration to Petitioner subject to a probationary period of one year as long as Petitioner does not violate Board statutes or rules or any criminal laws, other than minor traffic offenses, during the one year period.

MOTION BY MR. BOOTH TO MODIFY THE ADMINISTRATIVE LAW JUDGE AND GRANT THE REGISTRATION WITH NO CONDITION; SECONDED BY MR. JOHNSON; MOTION CARRIED.

Rory Franklin Jones 10-DOJ-5155 Mr. Jones was present. This case reviewed the denial for unarmed registration due to lack of good moral character.

Administrative Law Judge Beecher Gray proposed that the Board reverse its initial decision to deny Petitioner's application for unarmed security guard registration and issue an unarmed security guard registration to Petitioners subject to a probationary license for one year, as long as Petitioner does not violate Board statutes or rules or any criminal laws, other than minor traffic offenses during the one year period.

MOTION BY MR. BOOTH TO UPHOLD THE ADMINISTRATIVE LAW JUDGE'S DECISION WITH THE MODIFICATION THAT THE PERMIT BE ISSUED WITH NO CONDITIONS; SECONDED BY MR. DONALDSON; MOTION CARRIED.

Joshua N. Jacobs 10-DOJ-4633 Mr. Jacobs was present. This case reviewed the denial of the Petitioner's application for unarmed registration for committing an unlawful assault and for lack of good moral character.

Administrative Law Judge Beecher Gray proposed that the Board Uphold its initial decision to deny the Petitioner's application for unarmed security guard registration; however, the denial should be suspended and the Board should issue a provisional license for one year, as long as Petitioner does not violate Board statutes or rules during the one year period.

Mr. Jones recused himself.

MOTION BY MR. CLARK TO REVERSE THE INITIAL DECISION TO DENY; SECONDED BY MR. BOOTH; MOTION CARRIED.

Kenya Solomon 10-DOJ-1004 Mr. Solomon was present. This case reviewed the denial of the Petitioner's unarmed guard permit based on the "For Cause" grounds that the Petitioner had three convictions.

Administrative Law Judge Melissa Owens Lassiter proposed that the board reverse its initial decision to deny Petitioner's application for a renewed unarmed registration permit, and issue an unarmed guard permit to Petitioner on the condition that Petitioner notify Respondent of the official disposition of his pending DWLR charges in Durham and Wake Counties within a reasonable time after the dispositions of those cases.

MOTION BY SHERIFF ASHE TO UPHOLD THE ALJ'S DECISION ON THE CONDITION THAT PENDING CASES MUST BE TAKEN CARE OF IN A REASONABLE TIME; SECONDED BY MR. STEVENS; MOTION CARRIED.

Everett Calvin Hensley 10-DOJ-5460 Mr. Hensley was noticed but was not present. This case reviewed the denial of an armed registration for lack of good moral character.

Administrative Law Judge Beecher Gray proposed that the Board reverse its initial decision to deny Petitioner's application for armed security guard registration and issue an armed security guard registration to Petitioner subject to a probationary period of one year, as long as Petitioner does not violate Board statutes or rules or any criminal laws, other than minor traffic offenses, during the one year period.

MOTION BY MR. BOOTH TO UPHOLD THE BOARD'S ORIGINAL DECISION TO DENY; SECONDED BY MRS. PLEASANT; MOTION CARRIED.

Leroy Wilson Jr. 10-DOJ-3179 Mr. Wilson was noticed but not present. This case was reviewed the denial of the Petitioner's application for a Security Guard and Patrol License for lack of verifiable experience, an unfavorable credit history, falsifying the application and negative employment history.

Administrative Law Judge Donald Overby proposed that the Board uphold its decision to deny Petitioner's application for a Security Guard and Patrol License.

MOTION BY MR. STEVENS TO UPHOLD THE ALJ'S DECISION TO DENY; SECONDED BY MRS. PLEASANT; MOTION CARRIED.

Rebecca Lem from the Attorney General's office represents the Home Inspection Board. she addressed the Screening Committee and the Board to request an exemption from licensing for the Contract Inspectors that work for the Home Inspection Board. Ms. Lem stated that their Board is proposing to hire two outside contract inspectors as the Board has only one inspector for the entire state and that inspector only investigates the Home Inspectors. She stated that if there is any Criminal Activity on the part of an inspector, they are reported to the Department of Insurance for prosecution.

MOTION BY MR. BOOTH TO ADOPT THE POSITION THAT THE CONTRACT HOME INSPECTOR INVESTIGATORS ARE NOT REQUIRED TO BE LICENSED BY PPS; SECONDED BY SHERIFF ASHE; MOTION CARRIED.

DIRECTOR'S REPORT:

Mr. Wright presented his written report. The budget as of October 31, 2010 has a balance of \$605,431.40; the Education Fund balance is \$113,047.78. As of December 6, 2010 we have a total of 13,748 PPS registrations, 1,752 licenses, 483 certifications, one endorsement for a total of 15,984 active personnel for PPS. Active licenses and registrations for both Boards are 22,000.

Mr. Wright noted that there has been a total of 1468 various correspondence printed from the PPS database, 4000 registration cards printed from the new identification card system, and 3799 applications received since the last Board meeting.

Mr. Jones encouraged the practice of sending any Board paperwork electronically rather than printing it out.

MOTION BY MR. STEVENS TO ACCEPT THE DIRECTOR'S REPORT; SECONDED BY MR. BOOTH; MOTION CARRIED.

ATTORNEY'S REPORT:

Consents and Settlement Agreements are all current, executed and paid .

Mr. McDarris stated that all of the current appeals have been filed with the Office of Administrative Hearings and are listed in the Attorney's report.

12 NCAC 7D .0201, (.0203, .0701, .0801, .0902) are all technical amendments regarding the criminal record check should be reviewed now that the 3rd Party CRC company has implemented the RFP.

12 NCAC .0701 a technical amendment to the rule is before the Board for adoption.

12 NCAC 7D .1200 addresses the repeal of the courier experience requirements and is before the Board for adoption.

12 NCAC .0201 this is the amendment to require applicants to meet with staff is before the Board for adoption.

MOTION BY MR. BOOTH TO ADOPT THE RULE CHANGES AND SEND TO RULES REVIEW; SECONDED BY MRS. PLEASANT; MOTION CARRIED.

12 NCAC 7D .1303 language is attached for review regarding continuing education. The Board asked that it be amended. If the language is acceptable, the rule process can begin.

MOTION BY MR. BOOTH TO BEGIN THE RULES PROCESS FOR .1303; SECONDED BY MR. JOHNSON; MOTION CARRIED.

Miscellaneous items include the following:

Thomas Frey – Injunction filed in Superior Court was filed. Mr. Frey did not file an answer so we obtained an Entry of Default. The hearing on the Default Judgment was heard during the October 28, 2010 session. The Court entered an Order enjoining the Defendant and his employees from engaging in private protective services.

Request for Proposal - 3rd Party Criminal Record Checks.

That concluded the Attorney's report.

MOTION BY MR. STEVENS TO ACCEPT THE ATTORNEY'S REPORT; SECONDED BY MR. JOHNSON; MOTION CARRIED.

MOTION BY MR. STEVENS TO ADJOURN; SECONDED BY MR. BOOTH; MOTION CARRIED.

12:30 PM Adjourned

Anthony B. Bonapart, Deputy Director

Joyce McClure, Board Secretary